

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

PAMELA BURNS, AS THE SURVIVING PARENT
OF PAULA SMITH, DECEASED, AND ALSO AS
REPRESENTATIVE OF THE HEIRS, MINOR
CHILDREN AND ESTATE OF PAULA SMITH,
DECEASED, AND/OR FOR THE USE AND
BENEFIT OF THE HEIRS, MINOR CHILDREN
OF PAULA SMITH, DECEASED; AND DELONDRE
HARRIS, INDIVIDUALLY, AND AS SURVIVING
FATHER/REPRESENTATIVE OF MINOR CHILD
OF PAULA SMITH, DECEASED,

Plaintiffs,

Civil Action File No.
2:19-cv-02071

v.

TAURUS INTERNATIONAL MANUFACTURING,
INC., AND TAURUS HOLDINGS, INC.,

Defendants.

**STATEMENT OF MATERIAL FACTS IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants Taurus International Manufacturing, Inc. (“TIMI”) and Taurus Holdings, Inc. (“Holdings”) hereby respectfully submit this statement of material facts in support of Defendants’ Motion for Summary Judgment.

1. Paula Smith (the “Decedent”) died following the alleged discharge of a Taurus PT 145 Millennium Pro pistol bearing serial number NAU98280 (the “Subject Pistol”) on January 27, 2018 (the “Incident”). (Compl. ¶¶ 1 & 12.)
2. Paula Smith was a resident of Fayette County, Tennessee, as of the date of the Incident. (Compl. ¶ 1.)

3. All three of Decedent's minor children reside in Fayette County, Tennessee. (Compl. ¶ 1.)
4. Plaintiff Pamela Burns is Decedent's mother, and a resident of Fayette County, Tennessee (Compl. ¶ 1.)
5. Plaintiff Delondre Harris is a resident of Shelby County, Tennessee (Compl. ¶ 2.)
6. Harris is the father of one of Decedent's children. (Compl. ¶ 2.)
7. On December 31, 2017, Harris purchased the Subject Pistol from his father, Michael Alexander, in Shelby County, Tennessee. (Compl. ¶ 23.)
8. TIMI acquired the Subject Pistol on October 4, 2007, and sold the Subject Pistol to Sports South, a firearms distributor located in Shreveport, Louisiana, on May 30, 2008. (Declaration of Massiel Loo, attached hereto as Exhibit 1 (hereinafter, "Loo Decl.") ¶ 12 & Ex. B; Declaration of Yenienly Perez-Puelles, attached hereto as Exhibit 2 (hereinafter, "Perez-Puelles Decl.") ¶ 6 & Ex. A.)
9. Sports South sold the Subject Pistol to a retail store in Memphis, Tennessee, called Guns & Ammo, on July 21, 2008. (Loo Decl. ¶¶ 14-15 & Ex. C.)
10. Michael Anthony Alexander purchased the Subject Pistol on December 24, 2008. (Declaration of Special Agent Ronnie Faulkner, attached hereto as Exhibit 3 (hereinafter, "Faulkner Decl.") ¶ 16 & Ex. C.)
11. Plaintiffs filed the Complaint on January 25, 2019. (Compl.)
12. Special Agent Ronnie Faulkner was one of the Tennessee Bureau of Investigation ("TBI") Special Agents who assisted on TBI Case # JA-5A-000259 and is familiar with the investigation of Decedent's death. (Faulkner Decl. ¶ 4.)
13. As part of that investigation Agent Faulkner completed and submitted a National Tracing Center Trace Request on ATF Form 3312.1 ("Trace Request") to the United States Bureau

of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) National Firearms Tracing Center requesting a report of the ownership history of the Subject Pistol. (Faulkner Decl. ¶ 5.)

14. The ATF’s National Tracing Center is the only organization authorized to trace U.S. and foreign manufactured firearms for international, federal, State, and local law enforcement agencies. (Faulkner Decl. ¶ 7.)
15. The firearms tracing procedure undertaken in Decedent’s investigation—TBI Case # JA-5A-000259—was no different from that which Agent Faulkner had done many times in the past. (Faulkner Decl. ¶ 12.)
16. Agent Faulkner faxed the Trace Request to the ATF on January 30, 2018. (Faulkner Decl. ¶ 13 & Ex. A.)
17. Agent Faulkner’s submission of the Trace Request for the Subject Pistol to the ATF National Firearms Tracing Center was entered in the TBI Investigative Report for Case # JA-5A-000259. (Faulkner Decl. ¶ 15 & Ex. B.)
18. The TBI’s receipt of the Firearms Trace Summary for the Subject Pistol from the ATF was entered in the TBI Investigative Report for Case # JA-5A-000259. (Faulkner Decl. ¶ 15 & Ex. D.)

Dated: June 28, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 28, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties (if any) will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Patrick G. Walker